

ORIGINAL

RECEIVED

APR 12 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Before  
THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of )

Federal-State Joint Board of  
Universal Service )

CC Docket No. 96-45

BOOKET FILE COPY ORIGINAL

TO: THE COMMISSION

---

**COMMENTS OF HISPANIC INFORMATION AND  
TELECOMMUNICATIONS NETWORK, INC.**

---

**I. INTRODUCTION**

Hispanic Information and Telecommunications Network, Inc. ("HITN"), by its counsel, hereby submits its Comments with respect to the above-captioned rulemaking proceeding. In these comments we will address those issues raised by the NPRM regarding the provision of universal service to schools located in rural, insular, high-cost and low income areas with access to telecommunications and information services as required by Congress in the Telecommunications Act of 1996 ("the Act").

**II. BACKGROUND**

1. HITN is a publicly-funded nonprofit organization whose purpose is to provide Spanish-language educational programming to schools around the country. HITN is a Instructional Fixed Service ("ITFS") licensee having received close to forty ITFS

licenses from the Commission. Other ITFS licensees are providing instructional programming on a wide range of subjects to schools nationwide.

2. The Commission has recognized the contributions that ITFS licensees make to the educational goals of the nation by authorizing them to lease excess channel capacity to wireless cable companies as a method of making ITFS systems economically viable. It is important when designing the scope and mechanisms of universal service, that the Commission include ITFS as a eligible provider of service to schools whose needs for advanced telecommunications and informational services are to be met.

### **III. THE PRESENT**

3. ITFS systems are already in place and transmitting educational programs to schools nationwide. Therefore, many of the nation's schools are already connected to a communications delivery system that provides instructional, educational information.

4. Many ITFS licensees have entered into lease arrangements with wireless cable operators. The wireless cable operators often build and pay for the ITFS system. The cost to the schools for ITFS service is minimal. For instance, a single drop ITFS receive site (serving a low rise school) can be constructed for a mere \$300 to \$400.

### **III. THE FUTURE OF TELECOMMUNICATIONS SERVICES WILL INCLUDE ITFS**

5. Schools will utilize a vast array of advanced and traditional communication and information services. Students and teachers will interact with information providers and each other. Video, audio and data service will be available. Students will have a vast "library" to delve into by getting "on line." This extraordinary leap will be expensive. It will be necessary for schools to be connected to an interactive telecommunications system.

6. There will be many methods of providing schools with access to the information network. Schools, like people and businesses, will have access to wireline and wireless services. It is not possible to predict, with any certainty, what the nation's information network will look like years from now. People will elect to utilize the most efficient and cost effective methods that meet their needs. Schools will act similarly. They will be selective consumers. There is no reason to believe that schools will have generous budgets from which to purchase telecommunication services. There is every reason to believe that dollars will be scarce, and telecommunications services will have to compete with building funds and teacher salaries. Therefore, schools will continue to favor ITFS as a low cost method of obtaining instructional and educational programs.

7. ITFS licensees will be one of the suppliers of advanced telecommunication and information services. Digitalization will provide a multitude of channels even when the ITFS licensee has

leased excess channel capacity to a wireless cable operator. Students will interact by using the currently underused frequencies of their school's ITFS response station.<sup>1</sup> They will be able to access a menu of programs and select particular programming at a time of their choosing. Students will be connected to the Internet, using the ITFS response station. Schools with ITFS in place will be able to gain access to the advanced services quicker and cheaper by using the existing infrastructure, than by converting to wire service.

#### **IV. UNIVERSAL SERVICE AND ITFS**

8. Congress mandated that universal service policies be technologically neutral. The NPRM stresses the Commission's intent to adhere to that directive. The marketplace will ultimately decide which technologies provide the best service at the best price. Wireline and wireless providers will compete for customers where they can charge rates that provide an adequate return on investment. It is essential that universal service goals be met by whatever technologies can best do the job.

9. In order to meet the specific Congressional mandate that schools throughout the country be provided with access to advanced communication services, the universal service fund should be used to bring the most cost effective technology to those schools that need support. ITFS is a technology that can meet the telecommunications needs of those schools, and should

---

<sup>1</sup> See Sections 74.939 of the Commission's Rules.

not be excluded from the universal service program. In fact, a member representing ITFS licensees should be a member of the committee.

10. There is a compelling circumstance that argues in favor of not excluding ITFS as a technology that is available to attain universal service goals. An extensive ITFS system already exists and is meeting the needs of schools in areas that are in high cost locations and elsewhere. It is in the public interest to preserve those sources of instructional programming. If ITFS is deemed to be outside the scope of universal service, some schools that are currently being served by ITFS will have to select another technology if they want interactive capability. There is no reason to believe that these schools will be able to maintain their ITFS facility along with another technology and will find it necessary to abandon ITFS. This could threaten the viability of existing ITFS systems which would lose support as the number of receive sites dwindle. We realize that these fears are speculative. However, the possibility that exclusion of ITFS as a provider of universal service to schools may result in the disappearance of established ITFS systems is a compelling reason not to take that step.

V. **THE HISPANIC COMMUNITY WOULD GREATLY BENEFIT FROM ITFS' INCLUSION IN THE UNIVERSAL SERVICE SUPPORT MECHANISM**

11. As the world surges into the 21st Century, technological proficiency and access to information services will be the key elements necessary for individuals to advance economically as

businesses compete not merely on a national, but a global scale. the Act aims to create a relatively equal playing field with an ambitious goal of providing access to telecommunications and information services to consumers "in all regions of the Nation, including low-income consumers and those in rural, insular and high cost areas."<sup>2</sup>

12. The Hispanic community comprise one the fastest growing segments of American society, but have the limited access to computer technology at home, school and work.<sup>3</sup> Currently, one in ten U.S. residents is Hispanic and by the year 2010 one out of every 8 U.S. residents will be Hispanic.<sup>4</sup> Hispanics are the second largest cultural group which is rapidly growing. They are the youngest ethnic group, with a median age of only 26.7 years compared to 33.6 years for non-Hispanics.<sup>5</sup> These demographics demonstrate the importance of exposing Hispanics to advanced telecommunications services in school.

13. Hispanics use of computers at work is significantly lower than of the average worker, and in fact, the gap became greater between the years 1984 and 1993.<sup>6</sup> It is not surprising,

---

<sup>2</sup> *Latinos & Technology*, Anthony Wilhelm

<sup>3</sup> *Id.*

<sup>4</sup> *Latinos & Technology Findings*, Anthony Wilhelm

<sup>5</sup> *The Tomas Rivera Center Policy Brief*, September 1994, Latinos and the Information Superhighway, Anne Larson & Anthony Wilhelm, citing, *The Hispanic Population in the Untied States*, March 1993, U.S. Bureau of the Census.

<sup>6</sup> *Latinos and Information Technology Findings*, Anthony Wilhelm.

therefore, that the median income for Hispanics is only \$24,000, with 29.3 percent living below the poverty line.<sup>7</sup> In order to prepare young Hispanics to be viable and contributing members of our technology and information based economy, it is essential for Hispanics to have access to advanced telecommunications services in schools. The young age of the Hispanic community, and its relative inaccessibility to computers at home, make it extremely important for Hispanics to have access to computers and advanced telecommunications services at school. If the current trend continues, the U.S. economy could be faced with its largest cultural group under-educated, under-trained and ill-prepared to qualify for the 6.5 million new jobs Hispanics are expected to fill between 1992 and 2005 requiring high levels of education and training.<sup>8</sup>

14. HITN's use of the ITFS spectrum to educate Hispanic students throughout the country by providing educational and cultural programming would make an excellent contribution to universal service. It would provide schools with a cost effective telecommunications service with which to choose from in a pro-competitive technology-neutral environment in accordance with the spirit of the Act.

**VI. THE TELECOMMUNICATIONS ACT DOES NOT EXCLUDE ITFS AS A PROVIDER OF UNIVERSAL SERVICE TO SCHOOLS**

15. Section 214, as amended by the Act, limits the field of

---

<sup>7</sup> Id.

<sup>8</sup> Id.

providers of universal service to common carriers. HITN and other ITFS licensees are not common carriers. HITN is not suggesting that the Commission interpret Section 214 as including ITFS within the scope of providers who will be eligible to participate generally in achieving universal service goals. However, there are special provisions that apply when service to schools, libraries and health care providers is concerned. Congress specifically provided that the Commission may designate additional services as support mechanisms available to bring universal service to schools, libraries and health care providers.<sup>9</sup>

16. The Commission, in recognition of the special services which are currently provided by ITFS licensees and can be provided in the future, should conclude that ITFS licensees are eligible telecommunications providers of universal service to schools. The Act permits the Commission to exercise its discretion in this area. Inclusion of ITFS does not mandate its use: it merely allows educational institutions to use ITFS to achieve universal service goals.

17. Should the Commission conclude that the Act does not provide it with discretion to allow a non-common carrier to participate in a universal service program, we believe that it would be in the public interest for the Commission to seek an amendment to the Act so ITFS will be utilized to provide universal service to schools.

---

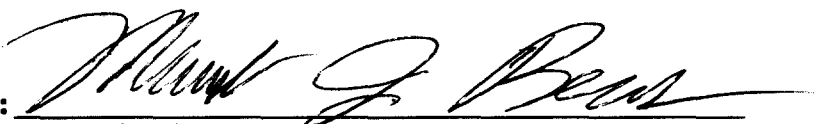
<sup>9</sup> See, Section 254(c)3 of the Act.



WHEREFORE, for the foregoing reasons, HITN respectfully requests that the Commission adopt HITN's recommendations by determining that ITFS licensees are among the authorized providers of universal service to schools.

Respectfully Submitted,

**HISPANIC INFORMATION AND  
TELECOMMUNICATIONS NETWORK, INC.**

By:   
Benjamin Perez, Its Attorney  
Gerald M. Zuckerman, Esq.  
Mark J. Becker, Esq.

Abacus Communications Company  
1801 Columbia Rd. NW  
Suite 101  
Washington, DC 20009  
(202) 462-3680

Dated: April 12, 1996

### **CERTIFICATE OF SERVICE**

I, Gloria Van Tull, Paralegal for Abacus Communications Company, hereby certifies that a copy of the foregoing "**Comments of Hispanic Information and Telecommunications Network, Inc.**" was sent this 12 day of April, 1996, by the U.S. Postal Service, first class postage prepaid, to the following:

The Honorable Reed E. Hundt, Chairman \*  
Federal Communications Commission  
1919 M Street, N.W., Room 814  
Washington, D.C. 20554

The Honorable Andrew C. Barrett, Commissioner \*  
Federal Communications Commission  
1919 M Street, N.W., Room 826  
Washington, D.C. 20554

The Honorable Susan Ness, Commissioner \*  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
Washington, D.C. 20554

The Honorable Julia Johnson, Commissioner  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

The Honorable Kenneth McClure, Vice Chairman  
Missouri Public Service Commission  
301 W. High Street, Suite 530  
Jefferson City, MO 65102

The Honorable Sharon L. Nelson, Chairman  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

The Honorable Laska Schoenfelder, Commissioner  
South Dakota Public Utilities Commission  
500 E. Capital Avenue  
Pierre, SD 57501

Martha S. Hogerty  
Public Counsel for the State of Missouri  
P.O. Box 7800  
Harry S. Truman Building, Room 250  
Jefferson City, MO 65102

Deborah Dupont, Federal Staff Chair  
Federal Communications Commission  
2000 L Street, N.W., Suite 257  
Washington, D.C. 20036

Paul E. Pederson, State Staff Chair  
Missouri Public Service Commission  
P.O. Box 360  
Truman State Office Building  
Jefferson City, MO 65102

Eileen Benner  
Idaho Public Utilities Commission  
P. O. Box 83720  
Boise, ID 83720-0074

Charles Bolle  
South Dakota Public Utilities Commission  
State Capital, 500 E. Capital Avenue  
Pierre, SD 57501-5070

William Howden \*  
Federal Communications Commission  
2000 L Street, N.W., Suite 812  
Washington, D.C. 20036

Lorraine Kenyon  
Alaska Public Utilities Commission  
1016 West Sixth Avenue, Suite 400  
Anchorage, AK 99501

Debra M. Kriete  
Pennsylvania Public Utilities Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Clara Kuehn \*  
Federal Communications Commission  
2000 L Street, N.W., Suite 257  
Washington, D.C. 20036

Mark Long  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Gerald Gunter Building  
Tallahassee, FL 32399-0850

Samuel Loudenslager  
Arkansas Public Service Commission  
P.O. Box 400  
Little Rock, AR 72203-0400

Sandra Makeeff  
Iowa Utilities Board  
Lucas State Office Building  
Des Moines, IA 50319

Philip F. McClelland  
Pennsylvania Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, Pennsylvania 17120

Michael A. McRae  
D.C. Office of the People's Counsel  
1133 15th Street, N.W., Suite 500  
Washington, D.C. 20005

Rafi Mohammed \*  
Federal Communications Commission  
2000 L Street, N.W., Suite 812  
Washington, D.C. 20036

Terry Monroe  
New York Public Service Commission  
Three Empire Plaza  
Albany, NY 12223

Andrew Mulitz \*  
Federal Communications Commission  
2000 L Street, N. W., Suite 257  
Washington, D.C. 20036

Mark Nadel \*  
Federal Communications Commission  
1919 M Street, N.W., Room 542  
Washington, D.C. 20554

Gary Oddi \*  
Federal Communications Commission  
2000 L Street, N.W., Suite 257  
Washington, D.C. 20036

Teresa Pitts  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

Jeanine Poltronieri \*  
Federal Communications Commission  
2000 L Street, N.W., Suite 257  
Washington, D.C. 20036

James Bradford Ramsay  
National Association of Regulatory Utility Commissioners  
1201 Constitution Avenue, N.W.  
Washington, D.C. 20423

Jonathan Reel \*  
Federal Communications Commission  
2000 L Street, N.W., Suite 257  
Washington, D.C. 20036

Brian Roberts  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102-3298

Gary Seigel \*  
Federal Communications Commission  
2000 L Street, N.W., Suite 812  
Washington, D.C. 20036

Pamela Szymczak\*  
Federal Communications Commission  
2000 L Street, N.W., Suite 257  
Washington, D.C. 20036

Whiting Thayer \*  
Federal Communications Commission  
2000 L Street, N.W., Suite 812  
Washington, D.C. 20036

Deborah S. Waldbaum  
Colorado Office of Consumer Counsel  
1580 Logan Street, Suite 610  
Denver, Colorado 80203

Alex Belinfante \*  
Federal Communications Commission  
1919 M Street, N.W., Room 500  
Washington, D.C. 20554

Larry Povich \*  
Federal Communications Commission  
1919 M Street, N.W., Room 500  
Washington, D.C. 20554

\* Hand delivered

  
Gloria Van Tull